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ROUND TABLE

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JUL 24 1940
WOMAN'S COLLEGE
UNIVERSITY OF NORTH CAROLINA

A RADIO DISCUSSION OF

CIVIL LIBERTIES AND THE FIFTH COLUMN

JOHN A. LAPP · A. R. M. LOWER · LOUIS WIRTH

333rd BROADCAST IN COOPERATION WITH THE NATIONAL BROADCASTING COMPANY • 121

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ROUND TABLE

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NOTE

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CIVIL LIBERTIES AND THE FIFTH COLUMN*

A UNIVERSITY OF CHICAGO ROUND TABLE BROADCAST

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JOHN A. LAPP, Chairman of the Chicago Civil Liberties Committee

A. R. M. LOWER, Professor of History, United College, University of Manitoba

LOUIS WIRTH, Associate Professor of Sociology, University of Chicago

* A radio discussion broadcast from the University of Chicago over the Red Network of the National Broadcasting Company, Sunday, July 7, 1940, at 1:30 P.M., Central Daylight Saving Time.

The ROUND TABLE, oldest educational program continuously on the air, is broadcast entirely without a script. Subjects are chosen because of their social, political, or economic significance. The program has no "ax to grind." In the selection of speakers, the effort is to provide a balanced discussion by participants who have special competence and knowledge. The opinion of each speaker is his own and in no way involves the responsibility of either the University of Chicago or the National Broadcasting Company.

CIVIL LIBERTIES AND THE FIFTH COLUMN

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MR. WIRTH: Gentlemen, this is as close as we can come to a Fourth of July celebration on this ROUND TABLE and I think it is appropriate that we should discuss civil liberties, which, after all, are the essence of our democracy. I was rather pleasantly surprised the other day, in reading the statement that Mr. Roosevelt made when he signed the alien finger-printing bill, to find that he warned the country against turning the present hysteria into a "witch hunt" against everybody.

MR. LAPP: I was very agreeably surprised and pleased, too, because the protection of civil liberty is, in my judgment, a most important thing. I mean the rights of free speech, free press, freedom of assemblage, and habeas corpus; but particularly the first three. I consider them the heart of democracy.

MR. WIRTH: That is because all other rights depend on them.

MR. LAPP: With these rights we can defend our other rights; without them we can't.

MR. WIRTH: Lower, you come from a country that is already at war and you probably have a different situation in Canada. I was reading yesterday that in Winnipeg the government raided the Communist headquarters.

MR. LOWER: Yes, I believe there has been a good deal of that sort of thing. It is rather curious that as Canada begins to persecute its communists England legalizes the Communist party. I suppose one never knows today whom one's friends will be tomorrow. That's the difficulty.

MR. WIRTH: Yes. What about these deprivations of rights? Perhaps all of us are going to be put into a position where someone is going to say that we are abusing these rights of freedom of speech and freedom of assembly. Lapp, as chairman of the Chicago Civil Liberties Committee, you have a special interest in that. No doubt somebody has accused you of being a fifth columnist.

MR. LAPP: Yes, everybody, apparently, is a fifth columnist. We speak of all of our enemies, or those we don't agree with, as fifth columnists.

MR. WIRTH: Someone wrote in a magazine the other day that the fifth column is an organization headed by that fellow in the White House.

MR. LOWER: Don't you think that "fifth column" is just a handy term? It was "communist" a while ago, but any term will do to beat your enemy, whoever he is. Some months ago a student told me she was talking with a man who said that all the professors in the university were communists. She said, "Oh, no. A good many of them are really quite decent fellows." She was sure they weren't communists.

"Well," he said, "they are 'free speechers' anyway."

MR. LAPP: A great deal of hysteria has developed in this connection and nobody really knows what we mean when we talk about this subject. Of course we have had periods of hysteria in this country on many occasions: the Salem witchcraft trials, and the anarchist delusion in Chicago some years ago.[1]

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[1] *In 1692 a campaign against witches in and around Salem, Massachusetts, led to the arrest of hundreds of persons, the hanging of nineteen, and the pressing to death of one. The so-called Haymarket riot in Chicago (May 4, 1886) was caused by the explosion of a bomb killing seven police officers. For the crime four men were hanged and one committed suicide. Three others jailed at the time were later pardoned by Governor Altgeld.*

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I heard a story the other day that illustrates this. A man in Kentucky was taking an examination for the bar. He wasn't very familiar with the law, but he was rather versatile. The question was: "What is jeopardy?" the man replied: "Jeopardy is the state when one is afraid of a jeopard."

MR. WIRTH: I suppose we are all looking for "jeopards" under every bed. Now this term "fifth column" is simply a cover-all for all these "jeopards" that Lapp speaks of.

MR. LOWER: A name for the people we don't like.

MR. WIRTH: Yes. Of course it's a rather timely term which originated during the Spanish civil war. There the term "fifth column" came into vogue because Franco had four armies marching on Madrid and he thought he had another army in Madrid, in the form of silent but more or less active sympathizers, who were ready to help him out at the crucial moment. Do we have anything like that in this country? That is the question we have to discuss today. I don't know what you think about it, gentlemen, but my feeling is that there are some real groups in this country that are very active, and obviously on the side of interests outside of this country.

MR. LOWER: What do you mean by "interests outside of this country"?

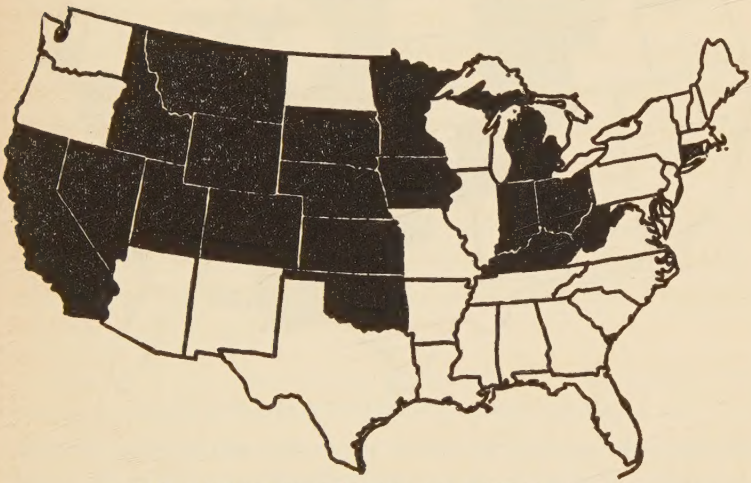
MR. WIRTH: I feel that this fifth column, whatever it may be, is composed, or ought to be composed, of agents of and sympathizers with foreign powers, who would be willing to sacrifice the interests of this country in favor of those of the foreign power in whose pay or control, or under whose dictation, they are.

MR. LOWER: That is, they are people whose allegiance is definitely not to this country so much as to a foreign power.

MR. WIRTH: Yes, and who may use their citizenship here to work for a foreign power.

MR. LAPP: But discussions within the country and wholly domestic are not to be included in this at all, I assume.

STATES WITH CRIMINAL SYNDICALISM LAWS



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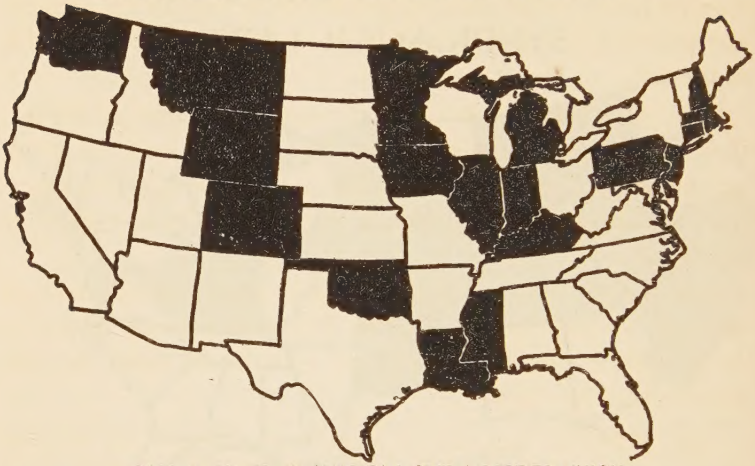
Criminal syndicalism is the doctrine that advocates the crime of sabotage, which is defined as malicious injury or destruction of the property of another, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform. The advocacy of such doctrine, under existing criminal syndicalism laws, whether by word of mouth or writing, is a felony and is generally punishable by imprisonment up to ten years, or by a fine, or both.

MR. WIRTH: No, except that these wholly domestic discussions may also reach a point where they weaken national morale and create national disunity. I believe that for the most part when we think of this fifth column we think of the Nazis, perhaps, and the communists lately. Isn't that true?

MR. LAPP: They have to be connected with an outside group which is trying to use them for its purposes if you are going to call them a fifth column.

STATES WITH SEDITION LAWS



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Sedition is the advocacy by word of mouth or in writing of the necessity, desirability, or propriety of overthrowing the government of the United States or the government of any state of the United States. Mere possession of literature advocating this doctrine, under some statutes, is held sufficient to constitute the crime. Sedition is a felony and is generally punishable by five years' imprisonment, or by a fine, or both.

MR. LOWER: I mean it's legitimate if you criticize your own government in good faith, fairly or constructively, even if it is very drastic treatment.

MR. WIRTH: That's the point! What is "constructive," Lower?

MR. LOWER: That is very hard to define, of course. I know personally if I am loyal or if I am not loyal.

MR. WIRTH: But I am always told it is all right to engage in constructive criticism—that the fellows we want to get are the destructive critics.

MR. LOWER: Possibly we have to move away from the realm of criticism entirely and get into the realm of action.

MR. LAPP: That is the law. Free speech isn't going to be very harmful just as speech, but if speech results in acts that are criminal and plainly destructive then those acts are subject to the penalties of the law.

MR. WIRTH: Yes, but isn't the speech that stirs up dissent, that creates rifts between people, that pits one religious group against another, one class against another—anything of that sort—quite as dangerous to the solidarity of the country as an open act of rebellion?

MR. LAPP: But that is something we have to stand—because we could not have free speech if we were to stop people from criticizing other people or criticizing the government under the civil liberties that are ours.

MR. WIRTH: Yes, but our question is, How far can this free speech go before it destroys free speech itself? You know very well that if the Nazis conquer here, as they already have conquered many other countries, they will destroy free speech.

MR. LOWER: Perhaps it comes down to this: If your body politic is really healthy, like a healthy human body, it will throw off a few odd germs, but if you have an unhealthy condition, then, of course, the germs will multiply and produce a diseased condition.

MR. WIRTH: But what I want to know is, How does this fifth column—if that is a menace to us—endanger my civil liberties, your civil liberties, and the civil liberties of the majority of the people of the country? How is it going to affect my right to say what I want, to vote the way I want, to worship as I want, to print what I want, and all these other rights that we consider so fundamental?

MR. LOWER: It will do so by creating an atmosphere of suspicion which will give grounds for some drastic measures of suppression, I suppose. That is one way in which it will affect your rights very definitely.

MR. WIRTH: But isn't it also more important for us now? After all, with rumors of the sinking of one of our naval vessels, the

hysteria in the country for getting into the war will probably increase.[2] If we are in a state of jitters and emergency, isn't it a fact that these fifth columnists might become a real and imminent danger to us?

MR. LOWER: I think it is, and surely events abroad have illustrated that fully.

MR. LAPP: But they are all subject to the laws and there are ample laws now to punish those who commit acts. There is no reason for suppressing the free speech of all just because some are engaging in acts of sabotage and treason.

MR. WIRTH: Quite so! But that is what they said in Holland, and that is what they said in Norway, and that is what they said in other countries that were finally suppressed by the Nazis. How about them? Don't we have to consider the question of how far we can go in tolerating free speech before this free speech is going to be used against us to choke off every free voice?

MR. LOWER: You are really asking whether a democracy can work out a plan by which it will be saved from committing suicide.

MR. WIRTH: Exactly!

MR. LOWER: We have seen democracies committing suicide, and everybody will admit, I think, that there must be some limitations.

MR. WIRTH: Isn't that what the Nazis are relying on: that the democracies will commit suicide?

MR. LOWER: Very likely, yes.

MR. LAPP: If you limit free speech and free press and freedom of assemblage and other free rights unnecessarily, you are bringing

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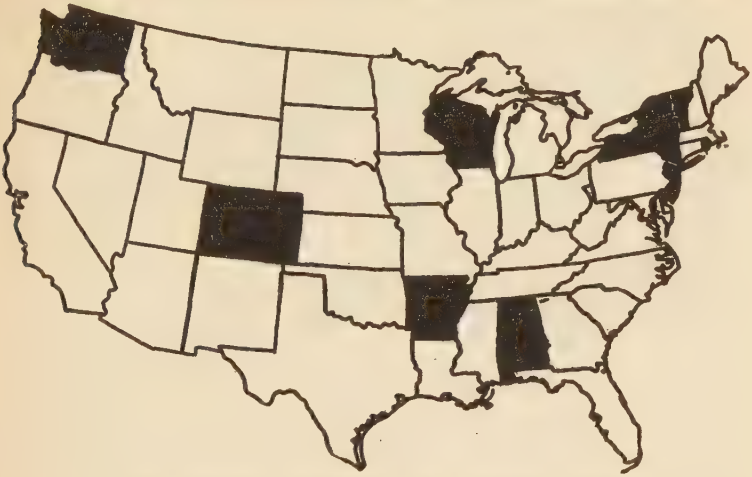
[2] *The report Sunday, July 7, concerning the torpedoing of the U.S. destroyer "Barry" by a German submarine was later found to be a hoax. The "Barry," supposedly sinking four hundred miles off the Spanish coast, was found to be safely at anchor.*

STATES WITH CRIMINAL ANARCHY LAWS



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Criminal anarchy is the doctrine that all organized government should be overthrown by force or violence, or by the assassination of the executive officials of the government, or by any unlawful means. Advocacy of such doctrine either by word of mouth or writing is a felony and is generally punishable by five years' imprisonment, or by a fine, or both.

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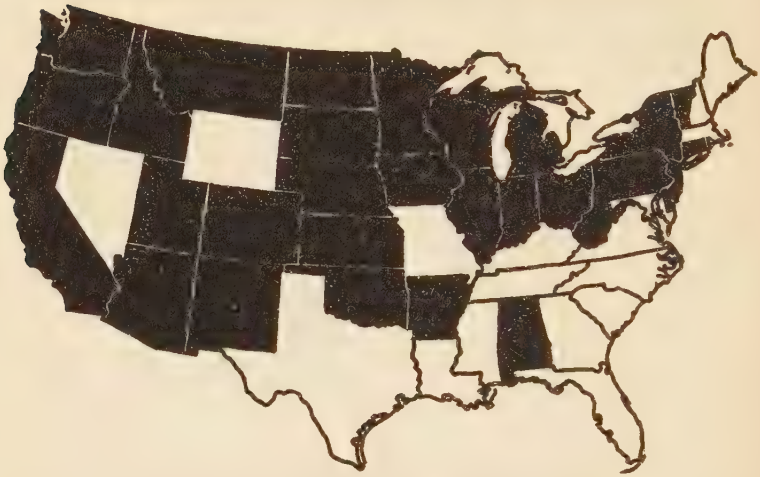
about a state in this country that is as bad as the Nazi state that we are condemning.

MR. WIRTH: But how bad do things have to be before you say or admit, Lapp, that we are dealing with an absolute necessity here?

MR. LAPP: There must be some clear and direct line between free speech and a free press and action.

MR. WIRTH: All right! Now we are preparing for war, and building up a national defense system. What about all these people who say we don't need it; that the Nazis are no danger to us; that they are not going to or can't invade these shores, that we are 3,000

STATES WITH RED-FLAG LAWS



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Red-flag laws provide in general that a person who shall display or expose to view the red flag (sometimes black flag) in any public assembly or parade as a symbol or emblem of any organization or association, or in furtherance of any political, social, or economic principle, doctrine, or propaganda, is guilty of a misdemeanor.

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miles away from them? What about that? Isn't that a clear and present danger?[3]

MR. LAPP: Surely we are not going to destroy our Constitution and the Bill of Rights until the war is either upon us or so near that we can't ward it off.

MR. WIRTH: Yes, but the Constitution, after all, does impose limitations upon all of us, doesn't it? It doesn't give us an absolute right of free speech, does it?

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[3] *In the case of Schenck v. United States (249 U.S. 47, 1919) the Supreme Court declared the doctrine that an utterance or publication was punishable only when it created a "clear and present danger" of evils Congress might legitimately prevent.*

MR. LOWER: There are no absolute rights. Free speech is limited by various things. You can't use obscene language in public, for example, and the law of libel limits freedom of the press.[4]

MR. LAPP: But those are very minor limitations. The purpose of free speech is to give us the chance to criticize public acts, to criticize our government, to help constructively in dealing with problems. Obscenity and slander restrictions are very minor limitations on free speech.

MR. WIRTH: Yes, but whether you like it or not a lot of people in the country are plain scared that the Nazis are going to use the methods on us that they used on a great many other countries. Here, for instance, is a letter to the University of Chicago ROUND TABLE from a housewife in Portland, Oregon. She says: "Why shouldn't we deport all the aliens who don't like our government and jail all the citizens who oppose our government?"

MR. LOWER: That means she would be about the only person at large after that was done.

MR. WIRTH: Probably. I don't know what Lapp would say to that.

MR. LAPP: Those are wild statements that people make without realizing the nature of the problems we are dealing with.

MR. LOWER: Have you had very much of this sort of thing so far in this country? There have been many things that would indicate that hysteria is rising.

MR. WIRTH: Lapp knows much more about that than I do, through his connection with the Civil Liberties Committee, and his ideas about that should be brought out.

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[4] *Supreme Court Justice Oliver Wendell Holmes declared in the Schenck case that "The most stringent protection of free speech would not protect a man in falsely shouting 'fire!' in a theater and causing a panic."*

MR. LAPP: Many cases have come to our attention and all of us have seen cases of unnecessary interference with freedom. I have in mind a number of cases in Illinois. The Jehovah Witnesses, a religious sect, were driven out of several towns in this state on the supposition that probably they would not salute the flag, or perhaps for some other reason.

MR. WIRTH: You remember the Supreme Court's decision recently, eight to one, ordering the enforcement of the school board's rule that children in public schools salute the flag, an act to which the Jehovah Witnesses objected?[5]

MR. LOWER: Of course. That is your difficulty. Once you start this business you don't know where it will end. Take the Jehovah Witnesses. I don't know much about them but I suppose they are an obscure sect. Just lately they have been suppressed as a body in Canada. Why is that? I really can't believe that an obscure sect of that sort is a menace to the safety of the state. They may be a nuisance, but not a menace.

What has happened? I imagine that somebody or some organization is trying to pay off some kind of religious score or other under the guise of protecting the interests of the public against the enemy.

MR. LAPP: That is likely to be the case in many instances of attempts at persecution in our communities.

MR. WIRTH: I have here an Associated Press clipping which tells about the president of a neighboring university, the University of Michigan, who in a commencement address said that he welcomed "only the students who are convinced that democracy is the ideal form of government for a civilized people." He attacked all of those "sophistries built around meaningful but ill-defined phrases—

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[5] *Basing their objection upon the commandment: "Thou shalt not make unto thee any graven image . . . . [or] bow down to them or worship them." The sect is pacifistic, and it is reported that 6,000 of its members are in German concentration camps.*

such as 'freedom of the press' and 'freedom of speech' "—and said they are going to "deal firmly, without fear or favor, with subversive or so-called fifth column activity."[6]

MR. LOWER: That means an invasion of the field of liberal education in our universities.

MR. WIRTH: That is the way it appears, and if this is going to invade the universities, which are the last citadels of freedom, then where are we going to be in the next few years?

MR. LOWER: I thought there was some remote connection at any rate between a university and liberalism.

MR. LAPP: Did you ever hear of a case like that before?

MR. WIRTH: I haven't heard of any cases like that before, but I've heard of all sorts of interference with freedom of speech and freedom of teaching in universities. A man at the University of Minnesota was fired on the charge that he was pro-German. Well, he was gloriously reinstated a couple of years ago.[7]

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[6] *The report of President Ruthven's speech from Ann Arbor was followed some days later by the statement that "a small number of students" had been advised they might not re-enrol, and that other students had received "warnings." The American Student Union stated that seven of its members had been denied readmittance and claimed that anti-war activity on the part of its members had led to the University's action. "We believe," the Union said, "that the real fifth columnists—those who undermine our democratic rights—are determined to silence all opposition to war. We will not be intimidated or silenced. We will continue to defend peace and democracy." A further statement by President Ruthven stated that the University's action was a routine one, that every year certain students whom "we do not consider good citizens" were asked not to return. Several years ago a similar dispute was precipitated when the University refused readmittance to a smaller group of students on similar grounds.*

[7] *Professor William A. Schaper of the Department of Political Science of the University of Minnesota was ousted from his post during the*

MR. LOWER: I hope they are not getting ready to fire him again!

MR. WIRTH: We can't tell what is going to happen.

MR. LAPP: If they should carry that very far probably in some of the states they will prohibit Republicans from going to the university because they were not in agreement with them.

MR. WIRTH: I suppose in Maine or Vermont they will make it very hard on Democrats, and down in the South they will make it very hard on the Republicans.

MR. LOWER: There is a class of people, I understand, who are rather debarred from educational privileges in the South.

MR. WIRTH: For myself I am glad that in our university here, and in a great many other universities, that movement has not as yet found a foothold; but there was another neighboring university in Wisconsin affected when the governor of the state made a statement almost like that of the president of the University of Michigan.[8]

MR. LOWER: That is precisely what happened in Germany, of course. They got hold of the universities and made them conform.

MR. WIRTH: That shows you the importance people attach to the freedom of speech which still remains in the universities. If it is going to continue, then our democracy is still a going concern.

MR. LAPP: There are a number of other very striking examples. For example, the Communist and the Socialist Labor party representatives have been driven out of some counties in the state of

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last war for alleged pro-German sentiments; in February, 1938, the Board of Regents of the University reinstated him to emeritus standing.

[8] *Governor Julius Heil was reported to have said the University should take action to purge its staff of "communistic" elements.*

Illinois where they went for the purpose of getting signatures to their petitions for nomination of candidates for office.[9]

MR. WIRTH: Yes, I have heard of some people in the United States who have been represented before the Dies Committee, as being subversive characters, who have had no defense whatsoever because they were not even told about these hearings and the charges made against them. You can certainly ruin a man's character by simply telling a tattle-tale on him.

MR. LOWER: That is the way the thing works when once it starts. When hysteria bubbles up like this, the private spy and the informer immediately make their appearance, and then where are you?

MR. LAPP: Isn't this joy that people seem to get out of private spying the greatest danger that we have before us?

MR. WIRTH: Exactly! I am afraid that we won't put the right people into the fifth column. I am afraid that the fifth column won't consist of all of the aliens, so-called, but will consist of eminently respectable people.

MR. LOWER: You mean they will put the wrong people in jail.

MR. LAPP: We have an example of that in the passage of this act the other day for finger-printing and registering aliens, presumably for the purpose of catching some fifth columnists, whereas the fifth columnists will escape and the three and a half million respectable people will be touched.

MR. WIRTH: Isn't it because the fifth columnists won't need to use these civil liberties, because they organize in secret anyway? They won't need to use the right of free speech.

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[9] *Last May in Pekin, Illinois, Communists endeavoring to obtain signatures to a petition to place Earl Browder's name on the ballot as a candidate for president were arrested and escorted out of town. Later in that month similar signature solicitors were assaulted by a mob in the same town.*

MR. LAPP: Of course, they never use the right of free speech. They *act*, and they act in sabotage; they act in espionage.

MR. WIRTH: We are afraid that in this hysteria to put down the fifth column many of us are going to lose a lot of the liberties that are fundamental to the exercise of democratic government.

MR. LAPP: Unless we watch out.

MR. LOWER: You mean the fifth column will simply be a pretext.

MR. WIRTH: And it will go against labor organizers, and will try to break down labor standards, and will prohibit rights, and all sorts of things that we consider a necessity in an order like ours.

MR. LOWER: Very probably. Of course, it is a balance—is it not?—between the measures that are necessary to preserve your state in times of danger and the preservation of your essential liberties.

MR. WIRTH: Yes, but now the question is what will happen to freedom of speech if we are going to get into a war. Since you are from a country that is already at war, I think we ought to hear what happens to a country in time of war.

MR. LOWER: I can tell you very briefly what happens to it. Of course, I think everybody would agree that in time of war many limitations must be accepted that don't apply in time of peace. For example, until the beginning of the war we had a German newspaper in the city from which I come [Winnipeg] which was undisguisedly Nazi and which filled its columns with vituperation of our institutions. It carried on until war was declared. After that, its editor—who happened to be a Canadian citizen, incidentally, and would not have been finger-printed—was interned and the newspaper collapsed. You have to expect that sort of thing.[10]

But our situation is briefly, this: that our regulations are so stringent that we really have a kind of totalitarian state on paper in

[10] *The Winnipeg, Manitoba, "Deutsche Zeitung."*

Canada, but not exactly in essence, because I do not think that there is the will to make a totalitarian state. Our government is still a good, generous, liberal government.

MR. LAPP: Your country did not do any of these things until you actually went into the war, did it? Free speech was preserved up to that point.

MR. LOWER: It was preserved pretty well in Western Canada. I am sorry to say that Eastern Canada—Ontario and Quebec—did not have so good a record.[11]

MR. WIRTH: Isn't it a different situation we are facing today than we faced from 1914 to 1917 in the last World War? Isn't it a fact that these foreign powers—like the Nazis, for instance—are going to rely on the apathy and lethargy of democracies, which will not prohibit free speech because it is regarded as a sacred right, and use that weapon as a tool to conquer them?

MR. LOWER: I don't think there is any doubt about that, but, as I said before, it is a matter of creating a balance. If you will allow me to refer again to my own experience, we had a fellow in my city who said that in time of war all criticism was disloyalty and nobody should criticize the government. I parallel that with what Mr. Lloyd George said the other day in England: that the last war was virtually won by the right to criticize.

MR. WIRTH: Yes, but isn't this war likely to be *lost* by the right to criticize, since we are living in a different situation?

MR. LOWER: I could not agree with that.

MR. WIRTH: That may be. Don't think I am in favor of suppressing our freedom of speech right now. I would like to ask Lapp,

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[11] *In Quebec, especially, the so-called "Padlock Law" enacted during the administration of Maurice DuPlessis was allegedly used against many political opponents of the DuPlessis government with little regard to their real connection with "communistic" activities.*

if we are going to make a choice between the preservation of our democratic freedom and efficiency in an attempt to get ready for this enormous program of national preparedness we have undertaken (which no doubt is going to play an important role in the political life of this country for the next few months); and when, for instance, the campaign gets under way between the Democrats and the Republicans.

MR. LOWER: Yes, but you are putting up a hard and fast balance in which I don't think the antithesis is valid; that is, it is a matter for common sense, after all, and discretion.

MR. WIRTH: But whose common sense? You have to trust your elected officers, don't you?

MR. LOWER: And the people at large.

MR. LAPP: But I am sure that during this time we are not going to interfere with political campaigns and the discussion of public issues on the platform and in the Congress and everywhere else in this country. It would be absurd for us to think of interfering with free speech in the coming campaign when in 1918 we went through a campaign when the battle was at its height, and even the party in power was defeated.[12]

MR. LOWER: How far can a democracy go before it begins to take measures for its own preservation? You seem to be a great democrat. Would you suggest that democracy may be allowed to commit suicide by the simple process of allowing itself to be voted out of existence?

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[12] *In the 65th Congress (elected in 1916) the Democrats held a substantial margin in the Senate and neither party had a majority in the House of Representatives—the balance being held by a small group of independent and minor-party members. The 1918 elections, however, gave the Republicans a number of Senate seats equal to that of the Democrats and a majority of 46 in the House.*

MR. LAPP: A democracy functioning as our democracy functions in the United States must be allowed to do the things that the majority of the people want it to do.

MR. LOWER: That is, you pin your faith to pure majority rule —on 51 per cent of the people?

MR. LAPP: In our particular system I do, because we have the American Constitution, which provides for its own amendment by regular process, and the people can amend as they see fit.[13]

MR. WIRTH: But you know darn well, Lapp, that if the Nazis really want to go ahead with their schemes, as they have gone ahead in other countries, when they come into power they are not going to abide by the restrictions of the Constitution.

MR. LAPP: We have had a great many years of experience with democracy both in this country and in Canada.[14] But in this country we have had enough experience not to need to worry about democracy functioning. In Germany they had had a very short experience.

MR. WIRTH: I hope you're right!

MR. LOWER: In Canada we have the paper arrangement already; all we lack is the dictator. We haven't produced him yet.

MR. WIRTH: It seems to me we must recognize that we can't eat our cake and have it, too. That applies as much to a democracy as to any other form of government. What we have to do is recognize that there are some freedoms that we may be forced to restrict temporarily.

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[13] *Constitutional amendments may be proposed by a two-thirds vote in each house of Congress and ratified by three-quarters of the states, acting through their state legislatures or through special conventions. Provision is also made in the Constitution for holding a constitutional convention, but this has never been done.*

[14] *The Canadian Federation was formed in 1867.*

MR. LAPP: In time of war.

MR. WIRTH: Or in time of great emergency.

MR. LAPP: It's got to be a very great emergency.

MR. WIRTH: Quite so! And I would agree it has to be declared by the Congress to be such an emergency.

MR. LOWER: Here is a phrase which I believe one of your Supreme Court judges used: "These restrictions possibly may be imposed in times of clear and present danger." How would that do?

MR. WIRTH: Yes, and it's a question of interpreting that phrase "clear and present danger." What I would like to know now is, What are the positive things that we can do under our present law?

MR. LAPP: First of all, let's enforce all the laws against the spies and saboteurs who are really fifth columnists who are here for the purpose of winning us over.

MR. LOWER: You may open just as big a door there as if you passed some formal measures abrogating free speech. I don't know.

MR. WIRTH: Can't we also hold people responsible for what they say in a more vigorous fashion than we have done in the past?

MR. LAPP: Yes, indeed!

MR. WIRTH: How about prohibiting all of these private armed groups that we see around, like the Christian Front, for instance?[15] I was in a movie theater on the North Side of Chicago where they gave loud cheers and the Nazi salute the other day when a German film was shown.

MR. LOWER: I certainly think that should be done.

---

[15] *The trial of seventeen members of the Christian Front, on conspiracy charges, resulted in the acquittal of twelve of the defendants. On the cases of five no agreement was reached.*

MR. LAPP: First of all I would prohibit all kinds of foreign contributions to any political faction in this country.

MR. WIRTH: It seems to me that what we have really come down to, then, is agreement that we must develop a positive program for democracy if democracy is going to survive; that is, democracy must become a way of life.

MR. LAPP: If democracy works and does its job, we will be safe.

MR. WIRTH: And we know we could not stop the fifth column by prohibiting free speech.

MR. LAPP: Quite right.

MR. WIRTH: There ought not to be alarm about a fifth column when society is functioning well and we must place so high a value upon our freedom and upon our civil liberties that we will not tolerate any interference whatsoever with them except in the face of "clear and present danger."

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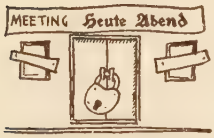
FIFTH COLUMNS

New York, June 14.—Forty American citizens of German extraction threatened with loss of jobs aboard Bermuda-bound U.S. Lines "President Roosevelt." National Maritime Union organizer charges firings directed by British Admiralty.

Memphis, Tenn., June 17.—Three New Yorkers released after being jailed 3 days on alleged suspicion of fifth column activity. The trio was arrested while photographing Negro housing conditions.



New York, June 20.—N.Y. Labor Temple closed to American Anti-Fifth Column Committee meeting announced and advertised only by the *Free American* (formerly Fritz Kuhn's *Deutscher Weckruf und Beobachter*).

Washington, June 24.—Martin Dies finds Midwest "hotbed of Fifth Column activity"; issues subpoenas for 40 or 50 members of "three German and two Italian organizations."

Pawtucket, June 24.—Refuse to swear allegiance to the flag and Constitution with membership fee of 50 cents and Pawtucket Anti-Fifth Column Club will turn your name over to federal sabotage investigators.

New York, June 24.—Joe McWilliams, candidate for Congress, praised Hitler, Lindbergh, Ford, and Father Coughlin; said, "I'm going to do for America what Hitler has done for Germany." Arrested on disorderly conduct charge.

West Virginia.—American Legion published without comment 9,000 names of nominating petition signers for Communist candidates.

N THE NEWS

—Authorities announced that signers of independent party candidate petitions will not be permitted to vote in state primaries.

New York, June 24.—WPA workers swear they are not subversive on form 608; some refuse, claiming order violates 5th, 9th, and 10th Amendments, and are fired. Court action started.

Pittsburgh.—Scripps Howard newspapers in Pittsburgh published names of 28,000 signers of Communist nomination and ballot-privilege petitions. Result: dismissal of many miners and steel workers from jobs.

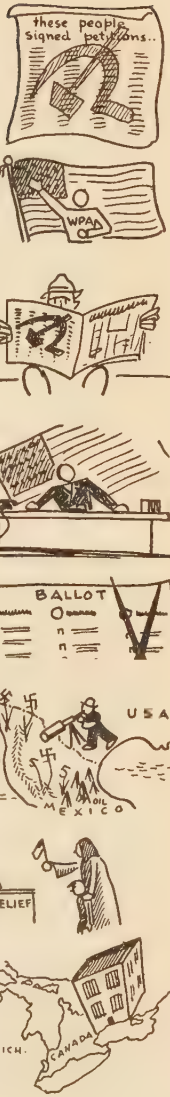
Georgia.—Attorney-General Ellis Arnold declared: "I shall do all within my power to keep the names of Communists off the ballot."

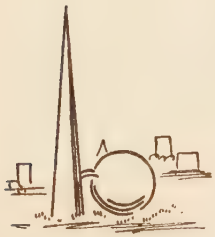
New Orleans.—"No place in politics here for Communists or any shade of pinks, punks, poltroons," the New Orleans *State* headlined an article urging place on Louisiana ballot be denied Communist party.

Austin, Texas, June 26.—Martin Dies announces "big surprise" on the part Mexico plays as a "focal point for Nazi propaganda and Fifth Column Activity."

New York, June 25.—Bronx Borough President James J. Lyons requests relief clients be made to take oath (see above); wants no relief for "fifth columnists."

Toronto, Canada, June 26.—Pat Sullivan, president of Canadian Seamen's Union (AFL) and chief witness in conciliation hearings on April





ALL ITEMS FROM "PM," NEW YORK

Great Lakes strike, arrested under Section 21 of Canadian defense law allowing Minister of Justice to "detain" anybody judged "prejudicial to the public safety or the safety of the state."

Madison, Wis., July 3.—Special meeting of University of Wisconsin board of regents called to consider Governor Heil's request that the University bar any students or faculty members who profess communist, nazi, or fascist doctrines.

Charleston, S.C., July 3.—A new law requires all shrimp-fishing boats to employ at least one native-born citizen.

New York, July 2.—Inscription on great wall of Federal Works Agency building at World's Fair changed on orders from Washington. "Peaceful work, not regimentation to build machines of war" deleted from following credo:

> "The foundation upon which this nation stands is the dignity of man as an individual, his right to free expression in politics and in the labor by which he builds his way of life. Work is the answer to the need of idle millions; work, not charity; peaceful work, not regimentation to build machines of war; useful work to benefit us all."

New York, July 2.—Four newspapers refuse anti-war advertisement submitted by Mrs. J. Sergeant Cram, World War I conscription opponent.

New York, July 5.—Nassau County police prepare to prosecute anyone breaking recent law against wearing of uniforms of foreign or anti-American groups.

Ann Arbor, Michigan.—University of Michigan's President Ruthven enunciates policy of admitting only students "who are convinced that democracy is the ideal form of government for a civilized people." Many students asked not to return to school.

SUGGESTED READINGS

CUSHMAN, ROBERT E., *Safeguarding Our Civil Liberties.* New York: Public Affairs Committee, 1940. *A summary of threats to civil liberty in peace and in wartime, with a special analysis of the protections afforded by the Bill of Rights and recent judicial and public opinion safeguards we have built around our civil liberties since the World War.*

"G-Man Hoover's Spy Hunt," *New Republic*, June 10, 1940. *A critical evaluation of the work of the FBI in investigating fifth column activity and protecting civil liberties.*

GRUBE, G. M. A., "Civil Liberties in Wartime," *Canadian Forum*, July, 1940. *A summary of the lengths to which democracy may go in wartime and yet still preserve enough of democracy to forestall totalitarianism.*

LASSWELL, HAROLD; KERWIN, JEROME; and CHANDLER, HENRY D., "Our Liberties Today" a University of Chicago ROUND TABLE Broadcast, July 2, 1939.

LOWER, A. R. M., "Wartime Democracy in Canada," *New Republic*, April 15, 1940. *A report on the Defense of Canada Regulations under which America's northern neighbor is today governed.*

MALCOLMSON, CHARLES, "Mr. Jackson's Dilemma," *New Republic*, June 8, 1940. *A review of the latest developments in the "anti-spy, sabotage, and fifth column" field from the point-of-view of the federal government.*

WEYBRIGHT, VICTOR, "Communists and Civil Liberties," *Survey Graphic*, May, 1940. *An analysis of the problems of an outstanding civil liberties organization which bars anti-democrats from its board and staff.*

OBJECTIVE QUESTIONS FOR EXAMINATION

The answers to the following questions may be found in the text of the broadcast, and page references are provided to assist in locating the answers.

*

1. What three rights are suggested as the "heart of democracy"? Page 2.
2. How does the treatment of communists in England compare with their treatment in Canada? Page 2.
3. What two examples of past hysteria are cited with a warning against hysteria today? Page 3.
4. What is the origin of the term "fifth column"? Page 4.
5. Give two examples of existing limitations on free speech. Page 11.
6. What religious group has been subjected to persecution in this country because of its beliefs about saluting the flag? Page 12. How did a recent ruling of the Supreme Court affect this sect? Page 12. How has this sect been treated in Canada? Page 12.
7. What university has promised to "deal firmly, without fear or favor, with subversive or so-called fifth column activity"? Pages 12–13.
8. What minority political parties have been frustrated by public-private action in their effort to get signatures on petitions to place the names of their candidates on the ballot in Illinois? Page 14.
9. List some of the anti-fifth column precautions which are suggested as not interfering with civil liberties in time of peace. Page 20.

QUESTIONS FOR ANALYSIS AND DISCUSSION

The following questions of wider scope, intended for discussion, are suggested by the broadcast, and answers may be found in the literature on the subject listed in the section "Suggested Readings," found on page 25.

*

1. Do you believe the suspicion of fifth column activities limits your freedom to talk, write, assemble, vote, or worship as you wish? Do you feel it menaces any particular one of these rights more than the others? Discuss.

2. If you believe the fifth column menaces your civil liberties, does it do so:
   a) Directly through conquest or revolution by which anti-democratic ideas would be enacted?
   b) Indirectly through the effort of private citizens and the government to suppress these fifth columnists?
   c) In some other way?

3. Do you agree that we should "deport all the aliens and jail all the citizens who don't like our government"? If so, with whom would you start and under what circumstances would you interpret the phrase "don't like our government"?

4. How far can a democracy go in suppressing anti-democratic agitation without itself becoming anti-democratic? How would you distinguish between talk and physical acts resulting from such talk? How would you compare the lengths to which democracy may limit civil liberties in peacetime and in time of war?

5. What do you believe should be American policy toward the three and one-half million aliens resident in this country as far as their civil liberties are concerned?

The Listeners' Round Table . . . .

Letters to the ROUND TABLE *frequently contain sidelights on the subject matter discussed on the air. These comments are from letters received following the broadcast June 30, "Economic Union for the Americas."*

*

New and Vital Plan

Promotion of trade in commodities not seriously in competition with "home" products will produce results all out of proportion to the monetary sums involved. We need immediate and energetic action along two lines:

1. Finding and developing sources of supply in Latin America for both raw materials and finished products which will directly or indirectly replace imports from other parts of the world.
2. Exploitation of markets in the United States through a "red hot" merchandising and selling campaign based on the active cooperation of our large mercantile companies.

The plan is largely going through Latin America with a fine-tooth comb to find anything that is now or can be produced there for which a market exists or can be built in the United States. Nothing would be too small. We are in danger of becoming so engrossed in talk of millions of bushels of wheat and millions of quarters of beef that we overlook possibilities, individually small, that can be made to loom large in the aggregate. We may have to dump wheat and beef and coffee in the Atlantic at first, but we can't go on indefinitely doing that.

A few possibilities that occur to me are:

1. Rug wool.
2. There are no doubt many interesting and exotic foods in Latin America.
3. Sizeable quantities of grass rugs come from Japan. Surely, in Latin America somewhere is a suitable combination of raw material and labor to give us our grass rugs.
4. The peoples of many parts of Latin America are ideally suited to the production of handicraft and semi-art goods.

The type of import I have in mind is aside from those more obvious and longer-range possibilities, such as rubber, silk, tung oil, cork, olives and olive oil, and linen.

Intelligent research, moderate financing, and technical cooperation, backed by the kind of merchandising and selling only American mercantile enterprises know how to supply, would soon form the basis of trade running into hundreds of millions in commodities not involving the dislocation of internal economies—there is a vast difference between sound *diversion* and *dislocation.*

G. B. M., Illinois

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M-DAY AND AMERICA

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A UNIVERSITY OF CHICAGO ROUND TABLE BROADCAST

JULY 14, 1940

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WALTER DAVENPORT, an Editor, *Collier's*

LEO M. CHERNE, Executive Secretary, Research Institute of America

HERBERT HEATON, Visiting Professor of History, Princeton University

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SUGGESTED READINGS

CHERNE, LEO M., "M-Day and the Business Man," *Harper's,* July, 1940.

TOBIN, HAROLD J., and BIDWELL, PERCY, W., *Mobilizing Civilian America.* New York: Council on Foreign Relations, 1940.

DAVENPORT, WALTER, "They've Picked Your War Job," *Collier's,* November 4, 1939.

[PRINTED IN U.S.A.]